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# HOUSE BILL No. 1244

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** None (noncode).

**Synopsis:** Sentencing policy study committee. Establishes an interim study committee on sentencing policy to evaluate sentencing laws and policies with regard to: (1) the purposes of the criminal justice and corrections systems; (2) the availability of sentencing options; and (3) the inmate population in the department of correction.

**Effective:** Upon passage.

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January 14, 2002, read first time and referred to Committee on Rules and Legislative Procedures.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1244

A BILL FOR AN ACT concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **As used in this**  
2       **SECTION, "committee" refers to the interim study committee on**  
3       **sentencing policy established by subsection (b).**

4       **(b) The interim study committee on sentencing policy is**  
5       **established to evaluate sentencing laws and policies with regard to:**

6               **(1) the purposes of the criminal justice and corrections**  
7               **systems;**

8               **(2) the availability of sentencing options; and**

9               **(3) the inmate population in department of correction**  
10              **facilities.**

11       **(c) The committee shall operate under the policies governing**  
12       **study committees adopted by the legislative council and shall do**  
13       **the following:**

14              **(1) Evaluate the existing classification of criminal offenses**  
15              **into felony and misdemeanor categories. In determining the**  
16              **proper category for each felony and misdemeanor, the**  
17              **committee shall consider the following:**

18                      **(A) The nature and degree of harm likely to be caused by**



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the offense, including whether the offense involves property, irreplaceable property, a person, a number of persons, or a breach of the public trust.

(B) The deterrent effect a particular classification may have on the commission of the offense.

(C) The current incidence of the offense in Indiana.

(D) The rights of the victim.

(2) Recommend structures to be used by a sentencing court in determining the most appropriate sentence to be imposed in a criminal case, including any combination of imprisonment, probation, restitution, community service, or house arrest.

The committee shall also consider:

(A) the nature and characteristics of the offense;

(B) the severity of the offense in relation to other offenses;

(C) the characteristics of the defendant that mitigate or aggravate the seriousness of the criminal conduct and the punishment deserved for that conduct;

(D) the defendant's number of prior convictions;

(E) the available resources and capacity of the department of correction, local confinement facilities, and community based sanctions; and

(F) the rights of the victim.

The committee shall include with each set of sentencing structures an estimate of the effect of the sentencing structures on the department of correction and local facilities with respect to both fiscal impact and inmate population.

(3) Determine the long range needs of the criminal justice and corrections systems and recommend policy priorities for those systems.

(4) Identify critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems.

(5) Assess the cost effectiveness of the use of state and local funds in the criminal justice and corrections systems.

(6) Recommend a comprehensive community corrections strategy based upon:

(A) a review of existing community corrections programs in Indiana;

(B) the identification of additional types of community corrections programs necessary to create an effective continuum of corrections sanctions in Indiana;

(C) the identification of categories of offenders who should

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1 be eligible for sentencing to community corrections  
2 programs and the effect that changes to the existing system  
3 of community corrections programs would have on  
4 sentencing practices;

5 (D) the identification of necessary changes in state  
6 oversight and coordination of community corrections  
7 programs;

8 (E) an evaluation of mechanisms for state funding and  
9 local community participation in the operation and  
10 implementation of community corrections programs; and

11 (F) an analysis of the rate of recidivism of clients under the  
12 supervision of existing community corrections programs.

13 (7) Propose plans, programs, and legislation for improving the  
14 effectiveness of the criminal justice and corrections systems.

15 (d) The affirmative votes of a majority of the members  
16 appointed to the committee are required for the committee to take  
17 action on any measure, including the final report.

18 (e) This SECTION expires December 31, 2002.

19 SECTION 2. An emergency is declared for this act.

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